

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.,

Plaintiff

v.

INFINERA CORPORATION, TELLABS,
INC., TELLABS OPERATIONS INC.,
CORIANT AMERICA INC., and CORIANT
(USA) INC.,

Defendants.

Civ. No. 2:20-cv-00077

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OF (1) NO INFRINGEMENT
OF THE ASSERTED CLAIMS UNDER THE DOCTRINE OF EQUIVALENTS AND
(2) NO LITERAL INFRINGEMENT OF CLAIM 29 – EXHIBIT 5**

FILED UNDER SEAL

Dated: April 26, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 26, 2021.

By: /s/ Kurt Pankratz
Kurt Pankratz

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

I hereby certify that the forgoing document is authorized to be filed under seal pursuant to the Protective Order entered in this matter.

By: /s/ Kurt Pankratz
Kurt Pankratz

EXHIBIT 5

FILED UNDER SEAL
IN ITS ENTIRETY